



**FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD**

APPELLANT: Christopher Stachowicz
DOCKET NO.: 08-20965.001-R-1
PARCEL NO.: 12-01-104-002-0000

The parties of record before the Property Tax Appeal Board are Christopher Stachowicz, the appellant, and the Cook County Board of Review.

Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds a reduction in the assessment of the property as established by the Cook County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$11,664
IMPR.: \$17,150
TOTAL: \$28,814

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a 1½-story class 2-04 dwelling of masonry construction containing 1,891 square feet of living area¹. The dwelling is 55 years old and features a full unfinished basement, central air conditioning, a fireplace and a 2-car garage.

The appellant's appeal is based on overvaluation. The appellant disclosed that the subject was purchased in September 2008 for \$300,150 or \$158.73 per square foot of building area including land using the board of review's size of 1,891 square feet of living area. The appellant submitted a Settlement Statement documenting the sale price. In Section IV of the appeal petition the appellant indicated the sale was through a realtor, advertised in MLS, not between family or related corporations, and was in settlement of an installment contract.

The appellant also checked "Comparable Sales" as a basis for appeal on the petition, but did not submit any comparable sales. Based on this evidence, the appellant requested a reduction in the subject's improvement assessment.

¹ The appellant claims the dwelling contains 1,452 square feet of living area and should be a class 2-03. The board of review claims the dwelling contains 1,891 square feet of living area and therefore is a class 2-04.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$64,612 was disclosed. The subject's assessment reflects an estimated market value of \$673,042 or \$355.92 per square foot of building area including land when applying the 2008 three-year median level of assessments for Cook County class 2 property of 9.60% as determined by the Illinois Department of Revenue. In support of the subject's assessment, the board of review presented descriptions and assessment information on four equity comparables to demonstrate the subject was uniformly assessed. Comparable #4 had recently sold. That comparable is described as a 1½-story, class 2-04 masonry dwelling containing 1,826 square feet of living area. The building is 62 years old and features a full unfinished basement, central air conditioning and a 1½-car garage. It is in the same neighborhood as the subject and sold in October 2007 for \$510,000 or \$279.30 per square foot of living area. The board of review also disclosed the subject was previously purchased in May 2006 for \$770,000. Based on this evidence, the board of review requested confirmation of the subject's assessment.

After reviewing the record and considering the evidence, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal. The Board further finds a reduction in the subject's assessment is warranted.

The appellant argued the subject property is overvalued based on its October 2008 sale price. When market value is the basis of the appeal, the value must be proven by a preponderance of the evidence. Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179 183, 728 N.E.2d 1256 (2nd Dist. 2000). The Board finds the appellant has overcome this burden.

The Illinois Supreme Court has defined fair cash value as what the property would bring at a voluntary sale where the owner is ready, willing, and able to sell but not compelled to do so, and the buyer is ready, willing, and able to buy but not forced to do so. Springfield Marine Bank v. Property Tax Appeal Board, 44 Ill.2d. 428, (1970). A contemporaneous sale of property between parties dealing at arm's-length is a relevant factor in determining the correctness of an assessment and may be practically conclusive on the issue of whether an assessment is reflective of market value. Rosewell v. 2626 Lakeview Limited Partnership, 120 Ill.App.3d 369 (1st Dist. 1983), People ex rel. Munson v. Morningside Heights, Inc, 45 Ill.2d 338 (1970), People ex rel. Korzen v. Belt Railway Co. of Chicago, 37 Ill.2d 158 (1967); and People ex rel. Rhodes v. Turk, 391 Ill. 424 (1945).

Initially the Board finds the correct size of the subject is 1,891 square feet of living area, and therefore the correct class is 2-04. The appellant argued the correct size was 1,452 square feet of living area by taking the first floor square footage of 968 square feet and multiplying it by 1½ since it is a 1½-story dwelling. The "half" floor of a home denotes the height, not the area. Typically the "half" floor is closer in area to the first

floor albeit with lower ceilings around the perimeter. The appellant provided no schematic drawings to support the living area footprint. The Board finds the record better supports a dwelling size of 1,891 square feet of living area.

The Property Tax Appeal Board finds this record shows the appellant purchased the subject property for \$300,150 in October 2008. The Board further finds the appellant indicated in Section IV of the appeal petition that the sale was an arm's-length transaction, which was not refuted by the board of review.

Although the comparable sale submitted by the board of review was similar to the subject in age, size, style and exterior construction, the Board finds the best evidence of market value in the record is the recent sale price of \$300,150. Therefore, the Board finds the appellant has proven through a preponderance of the evidence that the subject property is overvalued, and a reduction in the subject's assessment is warranted.

Since market value has been determined the 2008 three-year median level of assessments for Class 2 residential property under the Cook County Real Property Assessment Classification Ordinance of 9.60% as determined by the Illinois Department of Revenue shall apply. (86 Ill.Admin.Code §1910.50(c)(2)).

This is a final administrative decision of the Property Tax Appeal Board which is subject to review in the Circuit Court or Appellate Court under the provisions of the Administrative Review Law (735 ILCS 5/3-101 et seq.) and section 16-195 of the Property Tax Code.

Ronald R. Cuit

Chairman

K. L. Fern

Member

Frank A. Huff

Member

Mario M. Louie

Member

Shawn R. Lerbis

Member

DISSENTING: _____

C E R T I F I C A T I O N

As Clerk of the Illinois Property Tax Appeal Board and the keeper of the Records thereof, I do hereby certify that the foregoing is a true, full and complete Final Administrative Decision of the Illinois Property Tax Appeal Board issued this date in the above entitled appeal, now of record in this said office.

Date: June 24, 2011

Allen Castrovillari

Clerk of the Property Tax Appeal Board

IMPORTANT NOTICE

Section 16-185 of the Property Tax Code provides in part:

"If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel after the deadline for filing

complaints with the Board of Review or after adjournment of the session of the Board of Review at which assessments for the subsequent year are being considered, the taxpayer may, within 30 days after the date of written notice of the Property Tax Appeal Board's decision, appeal the assessment for the subsequent year directly to the Property Tax Appeal Board."

In order to comply with the above provision, YOU MUST FILE A PETITION AND EVIDENCE WITH THE PROPERTY TAX APPEAL BOARD WITHIN 30 DAYS OF THE DATE OF THE ENCLOSED DECISION IN ORDER TO APPEAL THE ASSESSMENT OF THE PROPERTY FOR THE SUBSEQUENT YEAR.

Based upon the issuance of a lowered assessment by the Property Tax Appeal Board, the refund of paid property taxes is the responsibility of your County Treasurer. Please contact that office with any questions you may have regarding the refund of paid property taxes.